

ALLIED CHEMICAL CORP.

IBLA 76-100

Decided January 6, 1976

Appeal from a decision of the Utah State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer U-30427 for failure to file a statement of corporate qualifications or make reference to a serial number where they are filed.

Reversed and remanded.

1. Oil and Gas Leases: Generally--Oil and Gas Leases: Applications:  
Generally--Oil and Gas Leases: Applications: Filing

Where an oil and gas lease offeror files a simultaneous oil and gas lease drawing card and indicates that its corporate qualifications are filed under a specific serial number, the offer will not be rejected where the corporation can show that the State Office informed it earlier that its corporate qualifications had been placed in that file.

APPEARANCES: Ben H. Welmaker, Jr., Esq., Houston, Texas, for appellant.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Allied Chemical Corporation has appealed from a decision of the Utah State Office, Bureau of Land Management, dated June 27, 1975, which rejected its simultaneous oil and gas lease offer U-30427, drawn number one for Parcel No. U-195 in the June simultaneous filings. The reason for rejection was that appellant had failed to file a statement of corporate qualifications with the offer or make adequate reference to the record in which such qualifications had been previously filed.

The decision of the State Office noted that appellant had made reference on the card to File UT-0142200 "for authority which is

still in effect." The State Office noted, however, that the cited file was a general qualification file and did not contain the requisite corporate information.

[1] On appeal, Allied Chemical Corp. points to a letter dated August 27, 1974, directed from its offices to the Utah State Office containing a revocation of a power of attorney instrument and a new power of attorney instrument. The letter referred to the "Allied Chemical Corporation Qualification File U-0142200" and closed with a request that "[i]f the file reference is not as shown in the subject hereof then please advise the correct reference." At the bottom of the letter is a note, dated September 6, 1974, from the State Office, declaring: "Receipt of the above documents is acknowledged. They have been filed with your corporate qualification under Serial No. U-0142200." (Emphasis supplied.) Applicant therefore contends that it filed its application correctly since it had been informed by the State Office that its corporate qualifications were in file U-0142200.

It seems clear to us that the State Office made a clerical error in informing appellant that its corporate qualifications were filed under U-0142200. But this was the type of statement upon which appellant was justified in relying. As appellant's corporate qualifications were filed in the State Office, albeit under a different serial number, it was error to reject the lease offer.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is reversed and the case remanded for appropriate action.

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Douglas E. Henriques  
Administrative Judge

We concur:

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Joseph W. Goss  
Administrative Judge

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Anne Poindexter Lewis  
Administrative Judge

